

Approved For Release 2005/12/14 : CIA-RDP80S01268A000500010002-6

news release

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FOR IMMEDIATE RELEASE, January 22, 1979
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The Subcommittee on Legislation of the House Permanent Select Committee on Intelligence will hold hearings beginning Wednesday, January 24 concerning the protection and use of national security information in the context of both criminal and civil litigation. The hearings will concentrate on the problems inherent in trying cases involving espionage, leaks of classified material, and the phenomenon called "graymail" as well as the use of pre-publication review and other civil proceedings to preclude the publication of classified material.

Congressman Morgan F. Murphy (D. Ill.) is the chairman of the Subcommittee - whose members also include Romano L. Mazzoli (D. Ky.), Edward P. Boland (D. Mass.) and Robert McClory (R. Ill.). Murphy indicated that the hearings had been scheduled to explore more fully the factors that have led many of the Committee's members to conclude that the Government seems unable to act in the face of leaks of very sensitive national security information. "We are concerned that leaks -and in some cases espionage - go unprosecuted and unpunished," said Murphy. "Our initial investigation, spanning several months, has led us to realize that the Government is faced by very complex and challenging problems in seeking to safeguard classified information. My hope - and that of the Committee - is that through public hearings we will promote understanding of the factors - constitutional, legal and practical - which must be taken into account in identifying and prosecuting leakers or spies."

Murphy cited as an example the record on leaks. "We are aware of only one prosecution (the Ellsberg case) directed at leaks. This record is partly a result of the inability of investigators to identify leakers and partly because few criminal investigations are authorized. Rarely does the Government face a situation where prosecution is a real possibility."

Murphy added: "The Committee has reached no conclusions including whether legislative solutions exist to the problems we will explore. The purpose of our hearings is educational and I believe we begin them with the desire to hear as many diverse opinions as we can."

The hearing schedule is attached. All sessions will be held in Room H-405 of the Capitol.

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